

Adopted by the following vote:

Yeas—19.

Atlee.	Linn.
Burns.	Lloyd.
Davidson.	Miller.
Dibrell.	Morriss.
Greer.	Neal.
Grinnan.	Odell.
Hanger.	Sebastian.
James.	Wayland.
Kerr.	Yett.
Lewis.	

Nays—5.

Goss.	Turney.
McGee.	Yantis.
Potter.	

Absent.

Gough.	Stafford.
Johnson.	Stone.
Patterson.	Terrell.
Ross.	

By Senator Sebastian:

"Add at the end of Section 4, page 9 of the printed bill, the following: 'And provided further, that it is not intended by this act to place upon the market for sale or lease, in any manner whatever, any lands in this State except as now provided by law.'"

Lost.

By Senator Odell:

"Amend Section 3, line 5, by adding after the word 'purchase,' the following: 'Or application to purchase.'"

Adopted.

By Senator Odell:

"Amend Section 3, line 9, by adding after the word 'thereon,' the following: 'Or filed application to purchase.'"

By Senator Linn:

Substitute for amendment:

"Amend page 9, line 9, after the word 'act,' by adding the following: 'Or any person who has made application to purchase or for a homestead donation thereon, and who has been prevented from having the same surveyed and field notes returned therefor.'"

Substitute lost by the following vote:

Yeas—7.

Dibrell.	Miller.
Grinnan.	Sebastian.
Hanger.	Wayland.
Linn.	

Nays—15.

Atlee.	McGee.
Burns.	Morriss.
Davidson.	Odell.
Goss.	Potter.
Greer.	Turney.
James.	Yantis.
Kerr.	Yett.
Lloyd.	

Absent.

Gough.	Ross.
Johnson.	Stafford.
Lewis.	Stone.
Neal.	Terrell.
Patterson.	

The amendment (Odell's) was then adopted.

By Senator Miller:

"Strike out Section 2, page 8, and change the numbers of the subsequent sections of the bill to conform herewith."

Pending action on the amendment, on motion of Senator Atlee further consideration of the bill was postponed until after morning call tomorrow.

RESOLUTION.

By Senator Atlee:

Resolved, That the Commissioner of the Land Office be and he is hereby requested to furnish, for the information of the Senate, facts showing:

(1) What monies have been received under the provisions of Chapter 173, of the Acts of the Regular Session of the Twenty-sixth Legislature;

(2) What number of acres of land belonging to the public lands of the State is represented in the monies so received, and the price per acre.

The resolution was read a second time and adopted.

RESOLUTION CALLED UP.

On motion of Senator Greer, the pending business was suspended for the purpose of taking up the resolution regarding deep water navigation at Sabine Pass (see Journal of yesterday.)

The resolution was read a second time, and adopted.

On motion of Senator Morriss, the Senate adjourned until 10 o'clock tomorrow morning.

SEVENTH DAY.

Senate Chamber,

Austin, Tex., Thursday, Feb. 1, 1900.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Goss.
Burns.	Greer.
Davidson.	Grinnan.
Dibrell.	Hanger.

James.	Odell.
Johnson.	Patterson.
Kerr.	Potter.
Lewis.	Ross.
Linn.	Sebastian.
Lloyd.	Stafford.
McGee.	Turney.
Miller.	Wayland.
Morriss.	Yantis.
Neal.	Yett.

Absent.

Gough.	Terrell.
Stone.	

Prayer by the Chaplain, Rev. Garrett.
Pending the reading of the Journal of yesterday.

On motion of Senator Atlee, the same was dispensed with.

EXCUSED.

On motion of Senator Hanger, Senator Neal was excused for non-attendance upon the Senate last week, on account of important business.

On motion of Senator Sebastian, Senator Patterson was excused for non-attendance upon the Senate yesterday, on account of important business.

On motion of Senator Turney, Senator Davidson was excused for non-attendance upon the Senate on Thursday of last week and Monday of this week, on account of important business.

On motion of Senator Burns, Senator McGee was excused for non-attendance upon the Senate Monday and Tuesday of this week, on account of important business.

PETITIONS AND MEMORIALS.

By Senator Ross:

Petition from H. L. Clark of Paris, Texas, regarding tax upon growing nurseries.

Read, and referred to the Committee on Finance.

COMMUNICATIONS.

The Chair had read the following communications:

THE UNIVERSITY OF TEXAS,
AUSTIN, TEXAS.
Office of the President.

Hon. J. N. Browning, President of the Senate, Austin, Texas.

DEAR SIR: I am instructed by the Board of Regents of the University of Texas to transmit to you a copy of the following resolution:

"Be it resolved, By the Board of Regents of the University of Texas, that a cordial invitation be and is hereby ex-

tended to the members of the Senate and House of Representatives of the Honorable Twenty-sixth Legislature of the State of Texas, now convened in Special Session in the city of Austin, to visit the University during their stay in Austin, and that a copy of this resolution be transmitted by the Secretary of the Board to Hon. J. N. Browning, President of the Senate, and to Hon. J. S. Sherrill, Speaker of the House."

Very respectfully,

JAMES B. CLARK,

Secretary Board of Regents.

January 29, 1900.

EXECUTIVE DEPARTMENT

CITY OF HOUSTON,

S. H. BRASHEAR, Mayor.

Houston, Texas, Jan. 30, 1900.

To the Honorable President of the Senate, Austin, Texas.

DEAR SIR: By direction of the city council and in behalf of the people of Houston, I respectfully invite the Senate to attend the funeral of the late Lieutenant Alfred C. Drew, which will occur in this city on Thursday of this week at 2:30 p. m.

Very respectfully,

S. H. BRASHEAR,

Mayor.

HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, February 1, 1900.

Hon. J. N. Browning, President of the Senate.

MR. PRESIDENT: I am directed by the House to inform the Senate that the House has passed the following Senate Concurrent Resolution No. 1:

Resolution to request the Texas Representatives in Congress to support an appropriation for the purpose of building canals and channels for an inland waterway along the coast of Texas.

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

EXECUTIVE MESSAGE.

Hon. Otto D. H. Pfeuffer, the Governor's stenographer, appeared at the bar of the Senate and after being duly announced, delivered the following message:

To the Senate:

The advice and consent of the Senate is asked to the appointment of O. M. Stone of Jefferson county, as Pilot Commissioner for the Port of Sabine Pass, vice A. H. Roland, resigned.

JOSEPH D. SAYERS,

Governor.

SPECIAL ORDER.

The Chair laid before the Senate, special order for this hour:

Committee Substitute for S. B. No. 2, "A bill to be entitled An Act to define the permanent school fund of the State of Texas, to partition the public lands between said fund and the State, and to adjust the account between said fund and said State; to set apart and appropriate to said school fund, in part payment of said account, the residue of the public domain of said State, to which the said fund is entitled under Section 2, Article 7, of the Constitution, adopted April 17, 1876; to appropriate the sum of twenty-nine thousand, three hundred and forty, and twenty-seven one hundredths dollars to the permanent school fund from the general revenue, not otherwise appropriated, in full payment of the balance due to said fund by the State of Texas, under the Constitution of 1876; to provide for the survey, purchase and lease of said land, and the issuance of patents in certain cases, and providing for suit by the State in Travis county against any person claiming any of the lands belonging to the school fund or any other fund."

Action being on the amendment of Senator Miller, to wit:

"Strike out Section 2, page 8, and change the numbers of the subsequent sections of the bill to conform therewith."

Lost.

By Senator Burns:

Amend the bill by adding the following after Section 3:

"SEC. 3a. The Commissioner of the General Land Office is hereby directed to issue patents to any person or persons not a corporation, who bought lands from the person, firm or corporation who originally located such land and paid full value therefor, without actual knowledge of any defect in the title to said land prior to the time of the institution of proceedings on the part of the State to recover such land, and who were not parties to such suit. Provided, that proof thereof was made in the manner and within the time required by Section 3a, Chapter 81, page 123, laws of 1899."

Adopted.

By Senator Atlee:

Add the following after Section 5 of the bill:

"SEC. 6. That Section two (2), of Chapter one hundred and seventy-three of the Acts of the Regular Session of the Twenty-sixth Legislature, approved June 5, 1899, being An Act to authorize the issuance of patents to lands heretofore

applied for and purchased as public domain and to provide for the disposition of the proceeds, be and the same is hereby repealed.

"SEC. 7. That all monies recovered under the provisions of the act mentioned in the foregoing section, which have not heretofore been placed to the credit of the school fund, be and the same shall be covered into the general fund of the State."

Adopted.

By Senator Atlee:

Amend the caption by adding:

"And to repeal Section 2, of Chapter one hundred and seventy-three of the Acts of the Regular Session of the Twenty-sixth Legislature, approved June 5, 1899, being An Act to authorize the issuance of patents to lands theretofore applied for and purchased as public domain and to provide for the disposition of the proceeds."

Adopted.

(Senator Miller in the chair.)

By Senator Goss:

Amend by striking out Section 3, as amended and inserting in lieu thereof the following:

"SEC. 3. All lands set apart and appropriated to the school fund by this act are hereby declared to be a part of the permanent school fund of the State, and shall be sold and leased at the same price and on the same terms and conditions as other school lands are now sold and leased, except where otherwise provided in this act, and the Commissioner of the General Land Office may have surveyed, classified and sectionized any part of said lands when necessary. In the sale of the unsurveyed lands of the State the Commissioner shall give a preference right of purchase for six months, from and after this act takes effect, to applications made by the following named settlers in the order named, viz.: First. To all applicants for 160 acres who are actual settlers upon said 160 acres of said land on January 1, 1900, who settled upon and had a homestead donation surveyed prior to May 23, 1898, and who from any cause cannot procure patent thereto under the provisions of this act. Second. To all actual settlers upon four sections or less amounts of such lands, who were such actual settlers on January 1, 1900, holding the same under lease from the State of Texas. Third. To all actual settlers upon four sections or less amount of such lands, who were such actual settlers on January 1, 1900. Fourth. To all actual settlers who are owners of less than four sections of school land within a radius of five miles of such unsurveyed lands,

for such amount thereof as will complete such settler's complement of four sections, where such settlers have heretofore had such lands surveyed. Fifth. To all lease holders of the unsurveyed lands to the amount of four sections or less, who were lessees of such lands from the State of Texas, on January 1, 1900; provided, no person not leasing directly from the State on January 1, 1900, shall have such preference right."

By Senator Grinnan:

"Amend the amendment by adding after the words 'sold' and 'leased' the following: 'Not to exceed four sections to any one purchaser, who must be an actual settler on the land purchased.'"

(Lieutenant-Governor Browning in the chair.)

Pending discussion of the amendments, the hour fixed for the executive session arrived, when on motion of Senator Turney, the same was postponed until 12 o'clock.

The amendment to the amendment (Grinnan's) was lost.

By Senator Grinnan:

"Amend the amendment by adding after 'sold' and 'leased' the following: 'Not to exceed four sections to any one purchaser, who must be an actual settler, as is now provided by law.'"

Lost.

The amendment (Goss') was then lost by the following vote:

Yeas—11.

Goss.	Sebastian.
Lewis.	Turney.
Linn.	Wayland.
Miller.	Yantis.
Patterson.	Yett.
Ross.	

Nays—14.

Burns.	Kerr.
Davidson.	Lloyd.
Dibrell.	McGee.
Greer.	Morriss.
Grinnan.	Neal.
Hanger.	Odell.
James.	Potter.

Absent.

Atlee.	Stone.
Gough.	Terrell.
Stafford.	

By Senator Potter:

"Amend line 2, Section 5 of printed bill by striking out the word 'award' and inserting the word 'owned' in its stead." Adopted.

Senator Grinnan moved to reconsider the vote by which his (Grinnan's)

amendment was adopted on yesterday. Said amendment being as follows, to wit:

"Amend by adding after line 11, on page 9, the following: 'The lessee purchasing under this act must be an actual settler of the land he desires to purchase, and can only purchase five sections of the kind and quality now provided by law.'"

Reconsidered.

Senator Grinnan then offered the following substitute for the amendment:

"Amend by substituting for the amendment the following: 'The lessee purchasing under this act must be an actual settler, as now provided by law, and can only purchase four sections of the kind and quality now provided by law.'"

The substitute was adopted.

The amendment as substituted was lost by the following vote:

Yeas—8.

Davidson.	Linn.
Greer.	Miller.
Grinnan.	Patterson.
James.	Sebastian.

Nays—16.

Burns.	Neal.
Goss.	Odell.
Hanger.	Potter.
Kerr.	Ross.
Lewis.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.
Morriss.	Yett.

Absent.

Atlee.	Stafford.
Dibrell.	Stone.
Gough.	Terrell.
Johnson.	

By Senator Dibrell:

"Amend Section 1 of the bill by striking out in line 19 all after the word 'limits' and insert in lieu thereof the following: 'Provided, the same shall not exceed the number of acres herein transferred to the school fund.'"

Lost by the following vote:

Yeas—12.

Dibrell.	Linn.
Greer.	Miller.
Grinnan.	Morriss.
Hanger.	Ross.
Kerr.	Sebastian.
Lewis.	Wayland.

Nays—13.

Mr. President.

Burns.	Goss.
Davidson.	James.

Lloyd.
McGee.
Neal.
Odell.

Potter.
Turney.
Yantis.
Yett.

Absent.

Atlee.
Gough.
Johnson.
Patterson.

Stafford.
Stone.
Terrell.

By Senator Goss:

Amend by inserting the following section and changing numbers to correspond:

"SEC. 4. Any person desiring to purchase any portion of the unsurveyed land herein appropriated to the public school fund shall first make to the surveyor of the county or district in which the land or a part thereof is situated, a written application signed and sworn to by the said applicant and giving his postoffice address and designating the land he desires to purchase, by metes and bounds as near as practicable, and stating that he desires to have said land surveyed with the intention of purchasing the same, and that he is not acting in collusion with, or attempting to acquire said land for any other person.

"It shall be the duty of the surveyor to file and record said application, and within sixty days of the filing thereof to survey said land into a section or sections, of one mile square each, whenever practicable, in case one or more sections are applied for, and in all cases such land shall be surveyed in a square or rectangular shape whenever practicable, and within thirty days of the date of said survey the surveyor shall certify to, record and plat the field notes of the same and return them and the application to the General Land Office, and he shall state whether or not the land is agriculture, grazing or timbered, and if timbered, the probable value of the land. The applicant shall pay to the surveyor one dollar for filing and recording said application, and shall pay such other fees as are now or may be provided by law for surveying lands.

"If the Commissioner of the General Land Office finds that the field notes are correct and that the survey has been made according to law, he shall at once approve and file said field notes, and classify and value the land as the law requires, and notify by mail the applicant that the land is on the market for sale, stating the classification and value thereof, and within sixty days of the mailing of said notice the applicant shall make application and affidavit to pur-

chase said land and make first payment to the State Treasurer and execute his obligation for the unpaid purchase money in the manner provided by law for surveyed school lands. If on the expiration of sixty days from the giving of notice of classification and valuation, the Commissioner of the General Land Office shall not have received the application to purchase such land as herein provided, then he shall place said land upon the market for sale as other surveyed school lands."

Adopted.

By Senator Goss:

"Amend Section 3 by striking out the word 'shall,' in line 2, on page 9 of the printed bill and inserting in lieu thereof the word 'may.'"

Lost.

COMMUNICATION.

The Chair laid before the Senate the following communication, bearing on the questions embraced in the pending bill:

GENERAL LAND OFFICE,
STATE OF TEXAS.

Austin, February 1, 1900.

To the Senate:

I have the honor to acknowledge the receipt of the resolution adopted by your honorable body on the 31st ultimo.

In compliance therewith, you are respectfully advised that under Chapter 173 of the Acts of the Regular Session of the Twenty-sixth Legislature, five patents have been applied for and issued by the General Land Office. The accompanying table, marked exhibit A, shows the names of the grantees, file number, number of acres sold, the price per acre, when the same was paid to the Treasurer, and the total amount paid.

It will be observed that all of this money was paid prior to the passage of Chapter 173, of the Twenty-sixth Legislature. None has been paid into the treasury since the passage of that law.

Of the total amount paid, one-half thereof, \$367.03 was paid to the permanent school fund and the remainder into the general revenue.

My understanding that the sum previously paid into the general revenue has never been transferred to the permanent school, for the reason that the general act made no provision for the Comptroller to draw warrants therefor.

I have the honor to be,

Your obedient servant,

CHAS. ROGAN,
Commissioner General Land Office.

EXHIBIT A.

Scrip No.	Grantee.	No. of acres.	Price per acre.	Total amount paid.	When paid into Treasury.
N. 55431.....	S. Mabry.....	104 1/2	\$ 2 00	\$ 208 66	Aug. 4, 1892.
Jan. 21868.....	D. McKeechan.....	35	2 00	70 00	April 18, 1891.
Jeff. 592.....	A. B. Pipkin.....	49	2 00	98 00	July 21, 1897.
Lib. 871.....	R. H. Cousins.....	594.8	50	297 40	Dec. 18, 1898.
Nac. 1426.....	J. F. Carter.....	30	2 00	60 00	Jan. 1, 1898.
Total paid.....				\$ 734 06	

One-half thereof, or \$367.03, was paid to the permanent school fund, and the remainder into the general revenue.

By Senator Linn:

Amend Section 2 of the bill by adding the words following:

"Provided, that to avoid any question as to the intent of the Legislature in passing this bill and to avoid any question as to its construction by the courts, it is hereby declared that the purpose of this Legislature is to donate to the children of Texas the face of the earth and title thereto, so far as possible."

Pending action, the hour arrived for and the Senate went into executive session for the consideration of executive business.

IN EXECUTIVE SESSION.

The following confirmations were made in Executive Session:

Associate Justices of the Court of Civil Appeals of the First Supreme Judicial District of Texas, W. H. Gill of Anderson county, vice F. A. Williams, resigned, and R. A. Pleasants of DeWitt county, vice H. C. Pleasants, deceased.

Judge of the Sixth Judicial District of Texas, E. S. Chambers of Red River county, vice E. D. McClellan, deceased.

Judge of the Fifty-sixth Judicial District of Texas, E. D. Cavin of Galveston county.

Judge of the Fifty-seventh Judicial District of Texas, S. J. Brooks of Bexar county.

Judge of the Third Judicial District of Texas, A. D. Lipscomb of Houston county, vice W. H. Gill, resigned.

Judge of the Fourteenth Judicial District of Texas, J. J. Eckford of Dallas county, vice W. J. J. Smith, resigned.

Judge of the Criminal District Court of Galveston and Harris counties, A. C. Allen of Harris county, vice E. D. Cavin, resigned.

District Attorney of the First Judicial District of Texas, W. L. Douglass of Jefferson county vice Martin Dies, resigned.

District Attorney of the Sixth Judicial District of Texas, B. B. Sturgeon of Lamar county, vice A. J. Nichols, deceased.

District Attorney of the Ninth Judicial District of Texas, S. A. McCall of Montgomery county, vice C. L. Carter, resigned.

District Attorney of the Twenty-first Judicial District of Texas, J. B. Buchanan of Washington county, vice W. E. Maynard, resigned.

District Attorney of the Thirty-third Judicial District of Texas W. E. P. Oatman of Llano county, vice W. C. Linden, resigned.

District Attorney of the Thirty-eighth Judicial District of Texas, J. W. Baker of Medina county, vice John R. Storms, resigned.

Assistant Superintendent of the State Penitentiaries in charge of the House of Correction and Reformatory, L. J. Tankersly of Bell county.

State Purchasing Agent, C. P. Dodge of Bell county, vice Cliff A. Adams, resigned.

Members of the Board of Directors of the Agricultural and Mechanical College, J. W. Kokernot of Bexar county for two years, P. H. Tobin of Grayson county and A. P. Smyth of Limestone county for four years, F. P. Holland of Dallas county and D. A. Paulus of Lavaca county for six years, and F. A. Reichardt of Harris county and Marion Sansom of Johnson county for eight years.

Member Board of Managers of the State Lunatic Asylum at Austin, S. E. Hudson of Travis county, vice T. B. Cochran, resigned.

Member Board of Managers Deaf and Dumb Asylum, George W. Allen of Travis county, vice H. P. Haldeman, resigned.

Pilot Commissioners for the Port of Galveston, John Young, J. M. O. Menard,

J. A. Robertson, Robert Bornefeld and Charles Clarke, of Galveston county.

Members of the Board of Managers of the Deaf, Dumb and Blind Asylum for Colored Youths, J. W. Hill, vice T. W. Folts, resigned, and William A. Boswell, vice S. K. Morley, resigned, both of Travis county.

Member Board of Managers of the Confederate Home, W. T. Wroe of Travis county, vice W. H. Caldwell, resigned.

Members of the Board of Regents of the State University, H. M. Garwood of Fayette county, vice T. D. Wooten, resigned, and Henry B. Marsh of Smith county, vice W. L. Prather, resigned.

Members State Board of Dental Examiners, C. C. Weaver of Hill county, and M. S. Merchant of Lee county, and J. H. Grant of Anderson county, vice R. P. Pamill, resigned.

Pilot Commissioner for the Port of Sabine Pass, O. M. Stone of Jefferson county.

AFTER EXECUTIVE SESSION.

(Senator Miller in the chair.)

Resuming consideration of Senate bill No. 2 (see above), Senator Morriss offered the following amendment to Senator Linn's amendment:

"Amend the amendment by adding: 'And all that part of the moon that smiles upon Texas during the various phases thereof.'"

Both amendments were ruled out of order.

The bill as amended was then ordered engrossed.

Senator Patterson moved to adjourn until 10 o'clock next Monday morning.

Senator Potter moved to adjourn until 10 o'clock tomorrow.

Senator Patterson's motion was adopted, and the Senate, at 12:15 o'clock, adjourned until 10 o'clock next Monday morning.

EIGHTH DAY.

Senate Chamber,

Austin, Tex., Monday, Feb. 5, 1900.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. No quorum, the following Senators answering to their names:

Atlee.	Johnson.
Dibrell.	Lewis.
Goss.	Lloyd.
Greer.	McGee.
Grinnan.	Morriss.
James.	Patterson.

Potter.
Sebastian.
Terrell.
Turney.

Wayland.
Yantis.
Yett.

Absent.

Burns.
Davidson.
Gough.
Hanger.
Kerr.
Linn.

Miller.
Neal.
Odell.
Ross.
Stafford.
Stone.

Senator James moved a call of the Senate, which was ordered, the following Senators answering to their names:

Atlee.
Dibrell.
Goss.
Greer.
Grinnan.
Hanger.
James.
Johnson.
Kerr.
Lloyd.

McGee.
Morriss.
Patterson.
Potter.
Sebastian.
Terrell.
Turney.
Wayland.
Yantis.
Yett.

Absent.

Burns.
Davidson.
Gough.
Lewis.
Linn.
Miller.

Neal.
Odell.
Ross.
Stafford.
Stone.

No quorum.

Senators Davidson and Stafford were announced present.

Quorum announced present.

Prayer by the Chaplain, Rev. Garrett.

Pending the reading of the Journal of yesterday,

On motion of Senator McGee, the same was dispensed with.

EXCUSED.

On motion of Senator Greer, Senator Miller was excused from attendance on today and tomorrow on account of important business.

On motion of Senator Yantis, Senator Linn was excused for this week on account of sickness.

PETITIONS AND MEMORIALS.

By Senator Yantis:

Petition from J. M. Thompson praying for the abrogation of the special tax on growing nursery stock.

Read, and referred to Committee on Finance.

By Senator Morriss:

Petition from all the druggists of Atlanta, Texas, opposing the tax on medicated bitters.

Read, and referred to Committee on Finance.